

KHASHO

JULY 2011



NATIONAL PROSECUTING AUTHORITY
South Africa



From the
desk of
the CEO

Sexual
Offences
Indaba

Doing it
Madiba
style

Life sentence
for mother
and
daughter
rape

ENSURING PROSECUTIONS WITHOUT FEAR, FAVOUR OR PREJUDICE

LETTER FROM THE EDITOR

1 8 July was adopted by the United Nations as Nelson Mandela International Day, in which people across the globe are encouraged to celebrate Nelson Mandela's life and legacy. This is a global movement to take his life's work into a new century and change our world for the better. Once again, we were urged to put aside 67 minutes of our time for a charitable cause. Many NPA employees heeded the call and participated in this noble cause, and we are really proud of that. Others came forward and shared their experiences with us. We salute the efforts made by all of you in your individual capacity, to take part in community upliftment projects.



Bulelwa Makeke
Executive Manager: Communications

This month we bring you an inaugural column "From the desk of the CEO" which will be a regular feature henceforth, covering all matters that relate to governance in the organisation. In this issue, the acting CEO gives us a summary of the positive audit outcome for our financial year 2010/11. We must indeed celebrate this outcome, but not be lost to the fact that we will need to continue to work harder to make sure that our house is in order. The last time we achieved this milestone was five years ago. Together we can all make it. The message from the NDPP will be back in the next issue.

On 5th July the Interdepartmental Management Team (IDMT) led by the SOCA unit of the NPA held their fourth Sexual Offences Indaba. The aim of the SOI amongst other things was to strengthen stakeholder cooperation and to standardise governance mechanisms in the management of Gender Based Violence (GBV). This Indaba came at a time when there's a specific focus on issues that affect women in our country. Challenges such as domestic violence and sexual offences against women continue to plague our society and they require a multi-disciplinary approach and meaningful involvement of NGOs, community based organisations and everybody else in society. The full article on the SOI is in this issue of Khasho, have a look at it and stay informed.

As you know very well by now, our Radio Campaign with SABC is still going strong until the end of October. As a way to assess our impact in this campaign, the Khasho team sourced comments from proceutors that took part in the campaign. The Vox Pop session in this issue of Khasho brings you closer to the views and comments shared by our NPA listeners of this radio campaign.

In keeping with Output 4 of the Delivery Agreement for outcome three: **'improving perception of crime among the population'** the NPA continues to undertake community outreach programmes and education awareness campaigns whose aim is to inform the public about the criminal justice system and the work of the NPA. We salute all the NPA members that do not tire from participating in these outreach events. In all our editions of Khasho, we bring you the events page that gives you a glimpse of our participation in education awareness activities.

Let us all remember that Khasho is a compendium of NPA events, announcements, updates and news items related to the NPA and its people. If you have news items that you would like us to publish you can send them to this address, Khasho@npa.gov.za.

Bulelwa Makeke
Executive Manager: Communications

Contents

- 03 FROM THE DESK OF THE CEO
- 04 FOCUS OF THE MONTH
67 MINUTES OF SERVICE
- 05 SEXUAL OFFENCES INDABA
- 07 MOZAMBICAN NATIONAL
SENTENCED TO LIFE FOR
HUMAN TRAFFICKING
- 08 MULTIPLE LIFE SENTENCES
- 09 FLIGHT SCAM SYNDICATE
- 10 STOCK THEFT UNDER
THE SPOTLIGHT
- 11 POLICE OFFICER CONVICTED
- 12 FREE STATE PASTOR SENTENCED
- 13 VIRGINIA MAN SENTENCED
- 14 NPA SABC RADIO CAMPAIGN
- 16 AFU WESTERN CAPE
CONFISCATE PROPERTY AND CASH
- 17 NPA EVENTS
- 20 BRUTAL RAPIST GETS LIFE
IMPRISONMENT

FROM THE DESK OF THE CEO



The NPA is indeed delighted to have received an unqualified audit opinion from the Auditor-General (A-G) for the year which ended on 31 March 2011. This is an achievement which we need to celebrate, given the fact that over the past few years we have been receiving qualified opinions.

The above is an indication that our efforts to put our house in order are really bearing fruit, and I want to encourage all staff to keep up the good work.

Our control environment is certainly showing a remarkable improvement, but the battle has not been won yet. In this current financial year, we'll be putting on the full armour to address some of the issues identified by the A-G that need our undivided attention. Therefore, we commit to doing the following:

- Avoid irregular, fruitless or wasteful expenditure by ensuring that everybody adheres to all the applicable policies and procedures of the organisation, as well as the Public Finance Management Act (PFMA);
- Ensure that we put in place effective and efficient asset management and control measures in the various areas of the organisation;
- Ensure that invoices are paid within 30 days of receipt;
- Ensure that leave records are captured and filed on time;
- Improve the turn-around time for the filling of all funded vacancies / posts; and
- Ensure that no employee performs remunerative work outside the NPA without obtaining the necessary approval.

Unfortunately in order to build a culture of compliance in these areas that continue to plague the NPA, non-compliance will be closely monitored and a zero tolerance approach will be followed for those that do not comply with policies, prescripts, regulation and legislation.

On the whole, I am very encouraged to see that the level of service offered to the core function is improving. I think that Corporate Services is starting to claim its space within the organisation. I am confident that we are in the process of building a powerful Corporate Services component within the NPA – ready to deliver a service of unquestionable standard.

But, as they say, the journey of a thousand miles begins with a single step. If we want to achieve great things, we must start with the small things. If we want to build a great organisation, we need to be consistently disciplined and ethical in everything we do. We need to abide by the policies and procedures of the organisation, and aim to deliver excellent service in accordance with our plans and available resources. If we all pull together in one spirit of determination, we can turn things around and make the NPA a happy place to work for.

In conclusion, I want to thank all staff for their hard work and commitment to unleashing the excellence that lies untapped within the organisation. The NPA is indeed a great organisation, but that greatness lies in its people. Like precious gold that lies buried deep under the ground, there is a lot of talent that needs to be mined within the organisation. We must therefore work with one another to achieve our goals. As the saying goes, no man is an island, entire of itself. We need each other to push the performance of the organisations to new heights.



Karen van Rensburg
Acting CEO

THE NPA HOTLINE 0800 212 580

BUILDING A CULTURE OF REPORTING UNETHICAL AND UNLAWFUL PRACTICES, PROMOTING AND ENABLING WHISTLE-BLOWING.

67 MINUTES OF SERVICE – MADIBA STYLE

Tebogo Seate

Since 2009, the world has been celebrating Nelson Mandela International Day on 18 July to co-incide with Madiba’s birthday. The overarching objective of this day is to inspire individuals to take action to help change the world for the better, and in so doing, build a global movement for good. Ultimately it seeks to empower communities everywhere.

“TAKE ACTION;
INSPIRE
CHANGE;
MAKE
EVERY DAY
A MANDELA
DAY.”

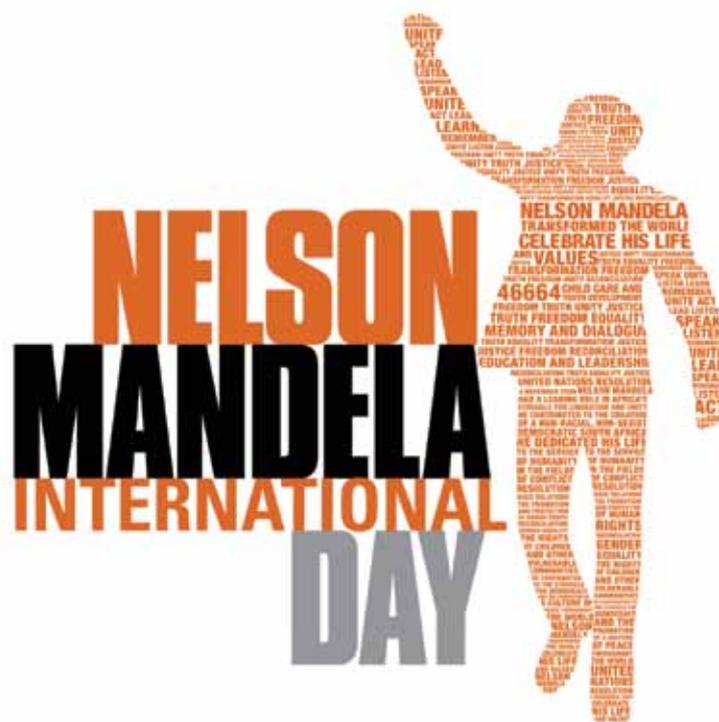
The slogan for 2011 is “Take Action; Inspire Change; Make Every Day a Mandela Day.” It is a call for people to realise that the world can only become a better place if they take the initiative to change it. It embodies the idea that each small thing we do is important. On Mandela Day, people around the world were requested to commit 67 minutes of their time to make an imprint and help change the world around them. Each of the suggested minutes represents one year that Mandela has given his life to in the cause of freedom for all.

This call should not surprise anyone as Nelson Mandela has been making an imprint on the world for 67 years, beginning in 1942 when he first started to campaign for the human rights of every South African. His life has been an inspiration to the world. His lifelong legacy about democracy, freedom, equality, respect, diversity, responsibility

and reconciliation are unique. But it is his generosity of spirit and compassion that reverberate so powerfully. They are the markers of his spirit and the quest to be fully human, fully alive. He is iconic because his compassion and generosity of spirit are an invitation to cultivate those same qualities in our own lives and work.

the country. We congratulate those employees for putting time aside to show that they care.

67 minutes may not seem like much. But it establishes a practice, a way of doing and a way of being. Nothing that we do is wasted! It’s a reminder that we each play a part in polishing the world. It is in our hands.



However, the Mandela Day goes far beyond the 67 minutes so well publicised. It is about a daily commitment that we need to make to serve the people of this country. It is about uncompromised and speedy service delivery. It is even more important for the NPA as we have to ensure that justice is dispensed evenly, without fear, favour or prejudice. We must continue to serve the people of South Africa in their diversity, just as Mandela did, irrespective of their economic conditions or status in society.

Following in his footsteps simply means being an agent of change, being a source of inspiration to many, and being concerned about the well-being of your fellow human beings, especially those who are less fortunate.

The typical activities that people do on Mandela Day are caring for the aged, providing food and clothing to the poor and the homeless, cleaning the streets, painting orphanages – the list is endless. As reported in this edition of Khasho, various NPA employees also participated in the 67 minutes of service throughout

The NPA is an institution of strategic national importance, held in high esteem by many people in the country. We need to continuously look at how we can improve the service delivery environment in order to reach out to the people whom we were established to serve. Every action we take and every decision we make must be for the benefit of the country. In that way we’ll be able to show the world that the “67 minutes” is actually the reason we exist.

ANOTHER SEXUAL OFFENCES INDABA

Nomilo Mpondo

Background

The Interdepartmental Management Team (IDMT) led by the SOCA Unit held their fourth Sexual Offences Indaba on the 5th and 6th July 2011. The IDMT comprises of representatives of the following national departments:

- Justice and Constitutional Development;
- Health;
- Social Development;
- Safety and Security;
- Correctional Services;
- Education; and
- Treasury.

At the inception of the IDMT, a ground breaking qualitative research was conducted with the assistance of a monitor group and a leading global strategy firm, where a total of 166 interviews were held. Among the interviewees were all IDMT departments and other line function departments at provincial and local levels. The research proved that there was no silver bullet to address the scourge of sexual offences in South Africa. Consequently, the IDMT developed the Thuthuzela Care Centre (TCC) model as an initiative to address rape care management, which is a victim-centred approach that journeys the victim through the criminal justice system, with the view of transforming the victim from being a victim to being a survivor and ultimately a more empowered witness in the criminal justice process.

After the birth of the TCC model, the need for a stakeholder conference that would pave the way for synergy in the implementation of Rape Care Management between departments and civil society became necessary. There are currently 45 sites in place with 27 sites fully established.

The first Indaba was then held in April 2008. The purpose of the first Indaba was to bring everyone together to share experiences. The purpose of the second Indaba in 2009 was to explore how ordinary South African citizens could improve access to the various support services offered, while the 2010 Indaba focussed on consolidating the gains of the previous two years.

The main aim of the fourth Indaba held in July 2011 was to achieve the following:

- To strengthen stakeholder cooperation;
- To standardise governance mechanisms in the management of Gender Based Violence (GBV); and
- To enhance results driven operations within TCCs.

In his opening of the 2011 Indaba, Dr Silas Ramaite, Deputy National Director of Public Prosecutions, placed the gathering in context by explaining the very meaning of the word “Indaba”, a Zulu word for the process of decision making by consensus common in many African cultures. In African understanding,

an Indaba is intended to include all interested parties, beginning with the principals, extending to stakeholders and partners, embracing victims and potential victims, and reaching out to perpetrators and potential perpetrators, he said.

Adv Thoko Majokweni, Head of the SOCA Unit, asked for honest introspection so that they could take the struggle forward in a serious manner because the situation regarding sexual offences in the country was still very bad.

“WE KNOW TCC IS A BEST PRACTISE MODEL BUT WE SHOULD NOT THINK THAT WE HAVE FOUND THE PERFECT SOLUTION FOR EVERY CONTEXT.”

She said, “We know TCC is a best practise model but we should not think that we have found the perfect solution for every context. We must ensure we are data driven in everything we do. We mustn’t adopt a one size fits all approach when we develop protocols even while we follow standard operating procedures.



From left to right: Adv Thoko Majokweni, Head: SOCA, Deputy Minister Mr Andries Nel, Dr Silas Ramaite, Deputy NDPP

We need to “McDonaldise” the TCCs to ensure they all operate at the same high standard. We need to increase the risk for perpetrators and manage the issue of repeat offenders and remember how many cases are not reported to the police. We are churning out more acquittals than convictions and we need to change this.”

Ms Alicia Victor of the NPA’s Research and Policy Information section gave a presentation which elaborated on discrepancies in conviction rates. She said the conviction rate for TCC cases was on average 58% as opposed to 68% reported by the Specialised Sexual Offences Courts. The reason for this discrepancy was because these courts were adding conviction rates for non-sexual offences cases into their figures, which only made them appear higher.

She said this discrepancy therefore called for immediate attention to avert distortion of facts. The standardisation of data collection and uniformity in handling sexual offences cases needed to be taken seriously across the country.

In his keynote address, the Deputy Minister of Justice and Constitutional Development, Mr Andries Nel, expressed his appreciation of the successful roll out of TCCs, both in South Africa and internationally. He emphasized the need to supersize the TCCs. He acknowledged the delays in the tabling before the Justice Portfolio Committee (JPC) of the National Policy Framework (NPF) for Sexual Offences. Mr Nel said the NPF was a policy document that detailed the roles and responsibilities of different stakeholders in addressing sexual violence. He said the document was tabled in Parliament in May 2011 and presented to the portfolio committee in June 2011.

Adv Tsidi Kambula from the

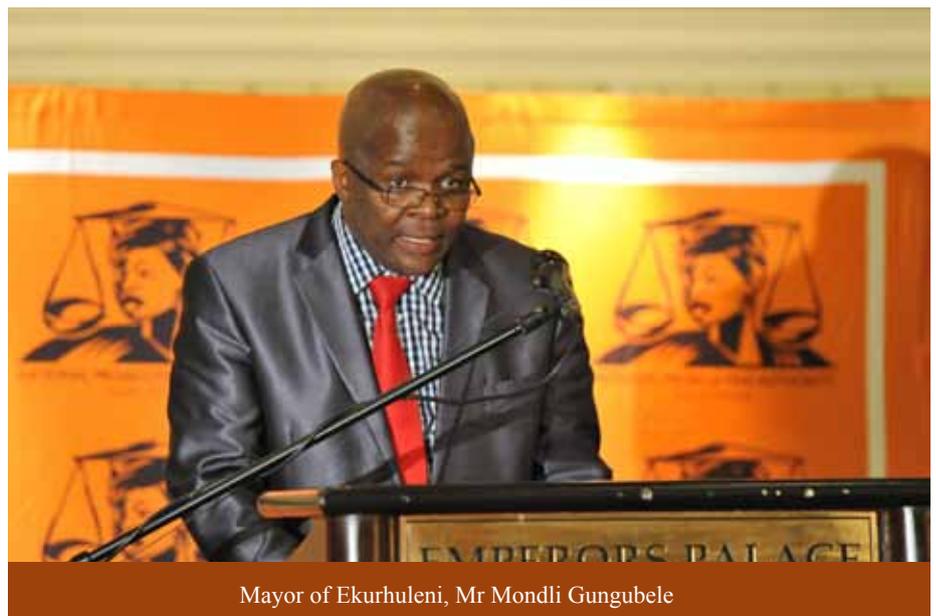
Department of Justice and Constitutional Development, Vulnerable Groups division said it took three years for the NPF to be finalised. She acknowledged that it was not an all encompassing document but a first expression that would lead to a more comprehensive framework.

The representative from the Family Violence, Child Protection & Sexual Offences Investigations (FCS) of the SAPS, Brigadier Ntshangase, said the re-establishment of the FCS units began in June 2010, and currently there were 176 units in all clusters in all the nine provinces. About the sexual offences detection rate; she pronounced on the court ready case dockets against women above 18 years and children less than 18 years to have both increased by 3% from the 2010/2011 baseline.

The breakaway groups paid attention to the national overview of sexual offences management and prioritisation, whereby focus was on the management of gender based violence as well as ways of strengthening the Thuthuzela Care Centres.

The presence of the Mayor of Ekurhuleni, Mr Mondli Gungubele graced the conference. He commended the SOCA Unit for their consistency in pursuing the struggle for women and children abuse. He pronounced on the city’s strategic goal of creating an economy that would give opportunities to women. As the man at the helm of the City of Ekurhuleni, he alluded to the city’s commitment at rooting out all forms of hate crimes. He referred to Ms Eudi Simelane and Ms Noxolo Nogwaza, who were murdered because of their sexual orientation. He strongly condemned all senseless killing saying, “all intolerance is evil”. He said such despicable actions betrayed the South African Constitution.

The National Director of Public Prosecutions, Adv Menzi Simelane, interrogated the forum wanting to know whether the conference was about policy formulation or an information sharing session. He said among other things, the forum needed to prioritise statistics with regards to child victims, child-against-child violence and perpetrators. He also suggested that statistics be broken down by crime category. Addressing the issue



Mayor of Ekurhuleni, Mr Mondli Gungubele

of resource requirements, he said it was preferable not to have people on contract because the National Treasury was willing to finance the TCCs if they were properly ring-fenced.

The NDPP confirmed his support for the TCCs and informed the gathering that TCC issues were already supported in

the JCPS Cluster. He added that going forward, TCCs were going to be a permanent agenda item in the cluster, and promised to garner support from other Directors General.

In closing, Adv Majokweni expressed her joy and appreciation to be “owned at last”. She thanked the funders and

the NGOs for all kinds of support they had given to her unit. She thanked the TCC National Coordinator, Ms Phumeza Mafani, the IDMT and the whole team for identifying relevant and pertinent issues for the Indaba. She also urged all role players to ensure the sustainability of gender justice fora in the provinces.



Ms Geeta Narayan:UNICEF



Mr Jeff Borns:USAID



Ms Bokellang Khave:Danish Government

MOZAMBICAN NATIONAL SENTENCED TO LIFE FOR HUMAN TRAFFICKING

Mona Moerane

A 28 year old Mozambican now living in South Africa was sentenced to life imprisonment after trafficking three teenage girls from Mozambique to South Africa in 2008.

The Pretoria Regional Court found Adina Dos Santos guilty on three counts of human trafficking for sexual purposes in contravention of section 71(1) of Act 32 of 2007; one count of rape in contravention of section 3 of Act 32 of 2007 and one count of living off the earnings of child sexual exploitation in contravention of section 17(5) of Act 32 of 2007.

The court heard that in 2008, Adina falsely promised three teenage girls work in South Africa and illegally trafficked them into the country. The girls were aged between 16 and 18 years at that

time. They had to creep through the border fence and thereafter provocative pictures were taken which were then placed on one of the prostitution sites.

The children were always reminded that they were in the country illegal and would therefore be arrested if they ever thought of going to the police, and never sent home. In some instances they were even physically abused if they refused to have sex at least 12 times a day.

COMMENTARY BY PROSECUTOR ALDIN VAN DEVENTER

At the time the offence was committed, human trafficking was not yet a ‘concept’, and crimes of this nature were therefore dealt with in a fragmented

manner. It was of importance that great care be exercised when dealing with these matters and also the relationships with the two countries’ authorities had to be considered throughout the trial.

There was a language barrier as the girls could not communicate in English. The use of intermediaries who could speak their language was limited and protocol in that country had to be observed.

We also experienced lack of interest by the South African police then due to their lack of training in investigating human trafficking crimes. The only evidence that the State used was the evidence by two teenagers from Mozambique who witnessed the accused recruiting the three victims and a local Mozambican newspaper report about the case.

continued on page 8

MULTIPLE LIFE SENTENCES FOR THE NGQELANI TRIO CONVICTED OF THE MURDER OF GRANNY AND HER FOUR GRANDCHILDREN

Luxolo Tyali

The three men convicted of the grisly murder of an 80-year-old granny and her four grandchildren were each sentenced to five life terms for murder by the Mthatha High Court Judge on 30 June 2011.

Siyabusa Ncelani, 19, Mlulami Nkonyanebomvu, 29 and Ncedakele Nyawuzayo, 20, were on Monday (27 June, 2011) found guilty of the murder of Masilenge Bambusiba, and her four grandchildren, Lwazi Bambusiba, 17, Lwando Bambusiba, 10, Vela Nogemane, 9 and Ezile Nogemane, 4 in August 2010 at Sigubudu village, Qhokama Administrative Area, in the district of Ngqeleni.

The trio pleaded guilty to all five counts of murder and a count of housebreaking with intent to commit murder and their pleas were accepted by the state, and were consequently convicted as such. They were each sentenced to an additional ten years for the count of housebreaking with intent to commit murder.

The murder of elderly Bambusiba, who the convicted men accused of practising witchcraft, during Women’s Month last year, shocked the nation, prompting the government to build a house for the surviving destitute Bambusiba family members.

Sentencing the trio, Judge Lusindiso Pakade said the trio’s admission of guilt

was not a way of showing remorse but a misplaced display of courage by the three murderers.

“THE KILLING OF ELDERLY PEOPLE ACCUSED OF PRACTISING WITCHCRAFT IS VERY COMMON IN THE FORMER TRANSKEI AND HAS BEEN CONTINUING FOR A LONG TIME - NOW IT IS TIME FOR THE COURTS TO SEND A CLEAR MESSAGE TO COMMUNITIES THAT IT IS A SERIOUS, PUNISHABLE OFFENCE,”

SAID JUDGE PAKADE IN HIS SENTENCE



Acting DPP Silumko Ngqwala

counts and arrangements were made with the Acting Deputy Judge President for the matter to be brought forward to the 23-24 June 2011 so that it could be dealt with as quickly as possible.

As the prosecution, we are glad that indeed the case was heard on the aforementioned dates and finalised in less than 12 months from the date of the commission of the offence and we welcome the sentence that was imposed by the court.

A word of gratitude also has to go to Advocate Nokuthula Majova who took over the case from me when the demands of the office of the DPP did not allow me to go to court.

COMMENTARY BY ACTING DPP SILUMKO NGQWALA

This case was set down for trial on 08 August 2011. On 21 June 2011 when I was preparing for the case as the prosecuting counsel, I had a mini pre-trial conference with the defence team. It transpired during our deliberations that all accused persons were willing to plead guilty to all

Luxolo Tyali is the Regional Communications Manager for DPP: Mthatha

continued from page 7

The principle of Transnational Jurisdiction was utilised for the first time as set out in the New Sexual Offences Act, wherein prosecution of the accused was conducted in Pretoria for a crime which started on Mozambican soil and reached finality in Pretoria.

Partnership and collaboration between transnational stakeholders led to a positive prosecution of the perpetrator, and the tough sentencing sent a strong message to would-be perpetrators of human trafficking.

We should also be thankful to the Palermo Agreement, which is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children. This assisted in enhancing co-operation between South African and Mozambican authorities.

Mona Moerane is the Regional Communications Manager for DPP: North Gauteng

FLIGHT TICKET SCAM SYNDICATE

MEMBER PLEADS GUILTY TO 35 COUNTS OF FRAUD

Eric Ntabazalila

Osman Awudu, a Ghanaian architect with a refugee status in South Africa, pleaded guilty to duping his victims into believing that they were obtaining genuine discount airline tickets and flight reservations from reputable travel agencies. Now for his scheming, Awudu was sentenced to six and a half years for committing 35 counts of fraud. 11 and a half years were suspended for five years on condition that he is not convicted of forgery, fraud, theft and contravening Sections 86 (4) or (860 (5) or 87 of the Electronic Communications and Transactions Act 25 of 2002.

The victims did not know that Awudu and his syndicate used forged identity documents to open dozens of closed corporations and false bank accounts for the victims to deposit cash into. The majority of the closed corporations had names that were similar to those of reputable travel agencies, which persuaded victims into believing that they were dealing with genuine businesses.

Awudu and his syndicate would then place adverts via emails, cellular networks and newspapers that they were offering discounted flight tickets. When the victims approached the business for fee quotations, they would be offered very good quotations.

After confirming receipt of the cash, the syndicate would then book airline tickets and make flight reservations using cloned bank cards. Awudu cloned bank cards using data obtained from South Africa and abroad from places like hotels and travel industries. He used the various cloned bank cards to pay for goods and services rendered to him, his accomplices and for the victims for whom airline tickets and flight reservation were booked. Cloning devices were also found in his possession.

As a result of the well planned scams, various airlines lost R1 518 515, 80. Awudu and his wife were both accused of the crimes but all the charges against

his wife were withdrawn.

Awudu entered into a plea and sentencing agreement with the State. In the plea and sentence agreement, Advocate Jannie Knipe of the Specialised Commercial Crimes Court in Bellville wrote that the offences were premeditated and committed over an extended period of time by a syndicate and that the detection of the crimes was difficult and resulted in an extensive and laborious investigation.

The airlines that were defrauded to the tune of over R1,5m were consulted by the Prosecutor before an agreement was reached with the accused. They were all in agreement that the above mentioned sentence was fair and just.

He pleaded guilty to one count of conspiracy to commit fraud, theft and contravening sections 86 and 87 of the Electronic Communications and Transaction Act 25 of 2002. He also pleaded guilty to 35 counts of fraud.

COMMENTARY BY ADV JANNIE KNIPE

This was a particularly complex and voluminous matter comprising 37 dockets over and above the 49 exhibit files compiled for trial purposes, with 60 odd witnesses either subpoenaed to testify or placed on standby. Pursuant to the initial denial of bail eventually confirmed on appeal, a major challenge was to make significant progress with the trial in anticipation of another formal bail application on new facts pertaining to the imminent release from prison by August 2011 of at least one of the two accused, whose child was born shortly after their arrest in September 2009 (the prison authorities do not accommodate children beyond the age of two). Not surprisingly, during the first scheduled week of trial several delays were encountered, ranging from an inadequately instructed defence council to an allegedly indisposed accused.



Adv Jannie Knipe

During the second week and as a result of the state still adamantly pressing to proceed with the trial against all odds, the defence finally budged and proposed a plea and sentence which was accepted at the behest of all four airlines as the respective complainants, thereby not only curtailing a potentially marathon trial but also circumventing the aforementioned premature release of an accused with its implicit negative consequences on the merits of all charges. Over and above the relevant factors incorporated in the plea and sentence agreement, there were various additional considerations not alluded to in the agreement (pertaining inter alia to sensitive issues such as the continued availability and protection of some key witnesses) which ultimately proved decisive in reaching an agreement to the proposed plea and sentence.

Through securing what can only be described as a highly satisfactory conviction and sentence under the circumstances, I shared a great sense of achievement with the team of airline investigators and the dedicated, proficient investigating officer, Capt Bailey of the local commercial branch, with whom countless hours had been spent during our mutual case planning sessions over the past two years.

Eric Ntabazalila is the Regional Communications Manager for DPP: Western Cape.

STOCK THEFT UNDER THE SPOTLIGHT

Frank Lesenyego

The NPA has joined forces with other partners to put up a fight against stock theft in the Kudumane area, which is about 340km from Mahikeng.

Stock theft is a serious problem in that area, which necessitated the formation of a community-based forum, called Kgomo Modimo Wa Gae Anti-Stock Theft and Crime Forum. The main aim of the forum is to build stronger relationships between affected people and the various law enforcement agencies in the Kudumane area.

The Forum was established in August 2004 in response to the serious stock theft problem that has existed in Kudumane since 1965. It is made up of farmers and members, community members and traditional leaders – boasting a membership of about 600 people from both the North West and Northern Cape Provinces.

The NPA is an active participant in that forum, with Adv Hosea Rapula Molefe, Deputy Director of Public Prosecutions in the North West, playing a critical role by facilitating fruitful discussions among various stakeholders. The forum is very impressed by the work done by the NPA – for its co-operation and for taking a tough stance against stock theft in the Kudumane region.

Previously, members complained about the level of service rendered by the Northern Cape SAPS, while the Mothibistad region which is under Kudumane area fell under the North West province due to judicial demarcations. These complaints revolved around slow and poor investigations, few stock theft investigators, few police vehicles and proximity of the SAPS to the area.

According to the Chief Executive Officer of the forum, Mr David Gasekopane Sewedi, the prosecution and police were also not supportive in the apprehension and prosecution of criminals, and hence the forum approached the DPP North West to assist.

However, through the intervention of Adv Molefe, the SAPS in both the Northern Cape and Northwest made a commitment to support prosecutions irrespective of provincial boundaries. In a meeting held on 22 July 2011, the SAPS made a commitment to:

- Establish a Stock-Theft Unit to service areas in the remote areas of Kudumane;
- To participate fully in the Integrated Justice System Meetings which take place quarterly;
- To ensure that members of the community were not taking the law into their own hands;



Adv HR Molefe

- To recognise the Kgomo Modimo Wa Gae Anti-Stock Theft and Crime Forum as a community organisation working with law enforcement agencies; and
- To improve its customer service levels in line with Batho Pele Principles.

Mr Sewedi said the objectives of the forum are:

- To fight stock theft and crime in the Kudumane area;
- To be the eyes of the police in the community;
- To reduce the levels of crime, particularly stock theft, in the surrounding communities; and
- To improve and develop animal farming, which is the backbone of their livelihood.

Mr Sewedi said the Forum was waging a serious battle against stock theft by cooperating and supporting the law enforcement agencies; educating the community on subjects such as brand-marking, tattoos, etc, performing civil arrests and handing over suspects to the police. The forum also encourages people to cooperate with the police and not



Kgomo Modimo Wa Gae Anti-Stocktheft and Crime Forum

continued on page 11

POLICE OFFICER CONVICTED FOR STEALING MONEY FROM A DRUNK DRIVER

Eric Ntabazalila

“The community expects police officers to uphold the law and not break it. The community also expects the courts to deal appropriately with police officers who commit crimes against the very same communities they are supposed to protect.” These were the words of Advocate Simone Liedeman as she asked the Specialised Commercial Crimes Court in Bellville to convict former police Constable Thabiso Sigwebedlana for theft.

Sigwebedlana was charged, found guilty and sentenced to three years imprisonment with one year suspended for five years for stealing R1 200 from a motorist he and his colleague, Constable Mawanda Joni, arrested for driving a motor vehicle whilst under the influence of alcohol. He was also declared unfit to possess a firearm. Joni was acquitted as the court found that there was not enough evidence to convict him.

The two police officers arrested Yannic Matsimouna for the above offence in Goodwood, Cape Town. Sigwebedlana took Matsimouna’s wallet containing his bank cards. He then asked him for money. Believing that this was in order for him to be released from police custody,

Matsimouna gave Sigwebedlana his pin number as he did not have any cash with him. He was not released but taken to Goodwood Police Station.

His bail was set at R500 and his uncle was handed his wallet for him to withdraw the money for bail. Matsimouna’s uncle enquired about Matsimouna’s cellphone. He was told by Sigwebedlana that the cellphone could have been dropped at the place of arrest. The cell phone was therefore not handed over to the uncle.

Upon his release Matsimouna, noticed that R1 200 had been withdrawn from his bank account. He laid a charge of theft against Sigwebedlana. His cellphone was found in the house of Sigwebedlana. He was charged with theft, corruption and fraud but the other two charges were dropped.

COMMENTARY BY ADV SIMONE LIEDEMAN

Leading the evidence of the complainant was a bit challenging as he was under the influence of alcohol when the offence was committed. Extracts of bank statements were used to prove the time when the amount of R1200 was withdrawn.



Adv Simone Liedeman

The state also called the investigating officer and the branch commander who were present when both the accused made exonerating statements about the offence. The sentence that was passed was appropriate in the circumstances. The community expects police officers to uphold the law and not to break it. The community also expects our courts to deal appropriately with offenders of this kind.

Both accused were police officers stationed at the Goodwood Police station. Both of them held the rank of Constable.

Eric Ntabazalila is the Regional Communications Manager for DPP: Western Cape.

continued from page 10

resort to self-help. Members of the Forum cooperate with the NPA by testifying in court.

Mr Sewedi said since the formation of the Forum, stock theft syndicates which have been in existence since 1964 have been broken with the successful conviction and sentencing of key members to lengthy imprisonment terms. The Forum is enjoying the support and respect of relevant authorities, and stock theft has been reduced significantly in the area.

The Forum has also gone from strength to strength and its membership is increasing.

Mr Sewedi is very thankful to the NPA for having made available people of the calibre of Adv Molefe, who has drastically improved relations between the Forum, the NPA and solicited more support from the police. He said the Forum was very impressed and satisfied with the open door policy of the DPP North West.



CEO of Kgomo Modimo Wa Gae Anti-Stocktheft and Crime Forum Mr David Sewedi and President Mr Phillip Koesane Molefe

Frank Lesenyego is the Regional Communication Manager for DPP: North West

FREE STATE PASTOR SENTENCED TO LIFE FOR RAPING A 12-YEAR OLD GIRL

Charmaine Labuschagne & Medupe Simasiku

A 49-year old Pastor from Thabong, Welkom, was sentenced to life imprisonment for raping a 12-year old girl.

Mr Ntjamanyana Meshak Soyekwa admitted in the Welkom Regional Court to raping Noma (not her real name as she is a minor) on 17 August 2010, who was only 12 years old at the time of the offence.

The Pastor visited the girl's home in the morning of 17 August 2010, and requested from her mother if she could come to his house after school to talk about her alleged bad behavior at school. The mother agreed since she trusted the Pastor. Indeed after school, the girl requested her younger brother to wait for her, and went to the house of the accused.

He (the pastor) sent the brother away and afterwards he poured water into a bath, and asked the complainant to wash herself before going into the bedroom. She refused and tried to run away but he took out a waist belt and threatened to hit her. Once in the bedroom, he ordered her to lie on the floor so that he could smear muti on her. She refused again, but he pushed her to the floor, smeared her with the muti and then raped her.

Afterwards she went home and reported the incident to her mother. She was taken to the police and hospital, and visible injuries were identified and DNA tests were done. At first the accused denied the allegations, but after the DNA came back positive, he decided to plead guilty on the charge of rape.

The court concurred with the State that

the accused was in a position of trust in relation to the complainant, and misused that trust. As a priest (pastor), the court found that he brought the principle of righteousness into disrepute. The mother of the complainant also testified about the trauma she was still suffering after the incident.

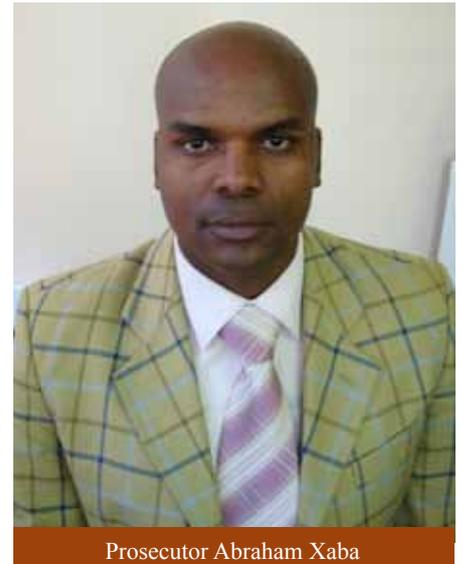
The magistrate therefore had no option but to impose life imprisonment.

COMMENTARY BY PROSECUTOR ABRAHAM XABA

The accused raped the girl from his own congregation and he was subsequently sentenced to life imprisonment. He brought the principle of righteousness into disrepute by his conduct. It went without saying that the Pastor negated the prescripts of being a pastor and his standing in the community and had to pay dearly for that.

What also counted against the accused was the fact that he went to the home of the complainant on the morning of 17 August 2010 to ask her to come to his place after school. It could therefore be inferred that his conduct was premeditated. He had ample time to reconsider his intentions during the day, but instead he proceeded to send the girl's 8-year old younger brother home and forcefully bathed her, smeared her with muti and raped her.

Since the accused pleaded guilty after



Prosecutor Abraham Xaba

being positively linked with DNA results, I had to go beyond my call of duty to attain the mandatory sentence. Over and above my address to the court, I also called the mother of the complainant to testify during the sentencing.

The child is still reeling from trauma as testified by the mother in court. She told the court that the child has been performing dismally at school since the incident took place, and that the incident had also affected her 8-year old younger brother, who felt that by walking away, he deserted her in her hour of need.

Hopefully this sentence will send a strong message to all would-be child rapists and abusers that offenders will be severely punished, irrespective of their standing in society.

Charmaine Labuschagne is the Control Prosecutor: Dedicated Court: Sexual Offences and Related Matters in Welkom; Medupe Simasiku is the Regional Communications Manager for DPP: Free State

VIRGINIA MAN SENTENCED TO LIFE FOR RAPE OF MOTHER AND DAUGHTER

Charmaine Labuschagne & Medupe Simasiku

On 24 May 2011, the Virginia Regional Court found Mr Mongezi Joseph Bambela (25) guilty on two counts of rape and one count of common robbery.

He was subsequently given two life imprisonment sentences on the two counts of rape and one year's imprisonment for robbery. The court ordered that the sentences should run concurrently.

The court heard that on 17 May 2008 at about 00h30, in Masilo Township, Theunissen, the accused, together with his two friends knocked at the house of the complainant, a 38-year old woman. The accused and his two friends pretended to be police officers looking for suspects. At that time the woman was sleeping with her two children - a baby and an 11 year old girl. She opened the door and Bambela stormed into the house and began searching all over the house pretending to be looking for suspects. He threw the woman on the bed and switched off the lights and began to rape her.

His two friends waited outside the house while he was busy committing this atrocious act. After he had finished raping her, one of his friends allegedly went on to rape the complainant as well. Bambela went to her daughter, who was then 11 years, and raped her as well. The mother pleaded with Bambela to stop raping the child and rather come back to her if he was not satisfied, but her request fell on deaf ears. After Bambela finished raping the child, he went back to the mother and raped her again. One of Bambela's friends, who allegedly did not rape the child or the mother was sitting on the bed and recording the incident with his cell-phone camera.

After the rape incident, Bambela and his friends violently demanded cash from the mother, who gave them R250 which she had at that time.

Bambela was positively identified by the complainant at an identification parade which was held a few days after the incident. He was also linked with the DNA results of the specimen found on the mother. In his argument, the accused alleged that he had a secret love relationship with the complainant and that they had sexual intercourse a day before the day of the incident – and hence the DNA results came back positive. However, the complainant told the court that she did not know Bambela and that she only saw him for the first time on the day in question.

The court rejected the version of the accused as not being reasonably and possibly true. His two friends were acquitted because the state did not have enough evidence to implicate them.

COMMENTARY BY STATE PROSECUTOR POGISHO MABALE

At sentencing stage I argued that the personal circumstances of the accused did not constitute compelling and substantial factors and that the court should not deviate from imposing the prescribed minimum sentence of life imprisonment on two counts of rape - and that the accused was a dangerous criminal who



Prosecutor Pogisho Mabale

had to be permanently removed from society.

During the sentencing stage, the court took into consideration the fact that the complainant and her children were forced to move out of Masilo Township to stay in another province because after the incident their shack was burned down. They were also threatened with death for reporting the incident to the police. Furthermore, the incident also left emotional scars on both victims.

I am therefore pleased that the accused was sentenced to life in prison, with the hope that over time, this would bring some healing to the victims.

Charmaine Labuschagne is the Control Prosecutor: Dedicated Court: Sexual Offences and Related Matters in Welkom; Medupe Simasiku is the Regional Communications Manager for DPP: Free State

VOX POP

NPA SABC Radio campaign – what the prosecutors say

As part of our commitment to educate the public about the work of the NPA and the Criminal Justice System in general, the NPA entered into a partnership with SABC Education to utilise its public service radio stations to reach out to as many people as possible. The educational campaign kicked off in May 2011, and is currently being broadcast on 15 SABC Radio Stations, covering millions of listeners throughout the entire country in all the official languages.

Khasho spoke to some of the prosecutors who have taken part in the campaign, and asked them if they found any value in this initiative.

Below is how they responded:

Christinah Molautsi, Senior Public Prosecutor - DPP: North Gauteng

The campaign is definitely enlightening the communities. My suggestion is that the time slots allocated to Legal Features should last for at least one hour.



Soraya Pillay, Senior Prosecutor - DPP: Northern Cape

It was a privilege to share my knowledge with the public on a national radio station. This was an excellent educational campaign. It does not only educate the public on procedures and legislation, but also on how the prosecution fits into the criminal justice system, which is often confusing to the public.



Adv Nkhetheni Munyai, Senior State Advocate - DPP: North West

I personally participated in the SABC / NPA Educational Awareness Campaign and I must mention that the response from the public was overwhelming. In my view, this campaign has reached most people across the country and also in remote areas. I believe this is the best campaign that the NPA has ever engaged in which managed to reach as many people as possible. Educating our people, what an experience!



Tello Motaung, Senior Public Prosecutor - DPP: North Gauteng

The campaign was a real eye opener for me. The public's interest in the campaign showed that we need to vigorously educate the public about the NPA and the CJS in general. Perhaps in future we should also do the campaign in conjunction with our partners in the JCPS cluster because certain questions can only be answered by them. Prosecutors must continue working with the Communications Unit to educate as many communities as possible.



Tebogo Namisa, Senior Prosecutor - DPP: Northern Cape

The awareness campaign is an excellent method of providing members of the public with information pertaining to topics that affect them, especially from the prosecutions' point of view. It will assist members of the public to have a better understanding of how the NPA works and how prosecutorial decisions are made.



Tumi Phongolo, Regional Court Prosecutor - DPP: North Gauteng

This is indeed a good initiative. We must continue to rebuild the public confidence in the criminal justice system by educating the public as much as possible about the system.



**Adv Silumko Ngqwala, Acting
DPP: Mthatha**



To me, it's a good move to engage prosecutors in these SABC Radio Awareness Campaigns so as to inform the public about the activities of the NPA as an organisation. Prosecutors will as a matter of fact, talk about what they practice almost on a daily basis. It goes without saying that those who have listened to these interviews have learnt a lot about how the criminal justice system in this country operates. It is vital to keep on using radio as an education tool to reach out to members of the public, particularly those in remote areas.

**Sindisiwe Buthelezi, Court
Preparations Manager - DPP:
Mthatha**



When I consider the volume of calls I received after I was involved in this campaign I can simply say it is really working. For people to ask questions they must have heard something which is of interest to them. Even though some of the issues they raised were based on cases that happened a long time ago, we educate them for future purposes. Some questions revealed that a lot of people do not understand the criminal justice system. The fact that we use radio, which is accessible to many people, makes me strongly believe that a lot of people will benefit.

**Adv Zukile Mdolomba,
Senior State Advocate - DPP:
Grahamstown**



This campaign is long overdue – it should have been done simultaneously with the formation of the NPA. A lot of dissatisfaction from the general public about the services we render stems from the lack of knowledge about the processes we follow and the entire criminal justice system. We call ourselves “lawyers of the people”, and therefore it is our responsibility to keep the public informed of our programmes and how the system works.



**Adv Roland Mkhwane, Senior State
Advocate - DPP: Grahamstown
(SOCA UNIT)**

The ongoing campaign by the NPA is a legacy that makes all of us proud!!! I am particularly honoured to have made my contribution therein by addressing millions of my own people in my own vernacular explaining topical issues and engaging with listeners on matters that affect them in their day to day contact with the criminal justice system.

Such engagements have indeed demystified foreign law and made it understandable to the ordinary rural men and women, because it was explained to them by one of their own who has become an expert in that field. I am of the view that by these campaigns we are able to do a lot of crime prevention through public awareness so that we are not accused of being re-active but pro-active as well in dealing with crime. The campaign has also put the NPA in the limelight in the media in a very positive light this time around.



**Adv Bhika, Deputy Director of
Public Prosecutions: South Gauteng**

I think the campaign is an excellent idea. Members of the public need information about how the courts work, because sometimes they have an incorrect understanding of the meaning of legal terminology. It is important that they get this information from people who work in the system. The public also need to know about their rights, and I think the campaign addresses this. The media also need to be educated about the criminal justice system, because quite often they report incorrectly on how the system works.

For now, it is difficult to tell whether the objective of this campaign is being achieved or not. But if we can see more people reporting crime and willing to come to court to testify; and the media reporting correctly on the work we do – then I could say the campaign is really working.

AFU WESTERN CAPE CONFISCATE PROPERTY AND CASH DESPITE OWNERS' DENIAL THAT THEY WERE INSTRUMENTS OF AN OFFENCE AND PROCEEDS OF CRIME

Eric Ntabazalila

The Asset Forfeiture Unit in the Western Cape won a full bench appeal declaring forfeit to the State a property that was used as a drug den for more than a decade. The unit also won a cross – appeal on R115 862.35 police seized during a raid at the property as it believed the cash was the proceeds of crime.

The Western Cape High Court granted the AFU forfeiture of the money on the basis that it was the proceeds of unlawful activities but refused the application in respect of the immovable property. The AFU appealed that decision to a full bench of the High Court, and the owner of the cash who claimed it was money gained from his taxi business, cross - appealed.

The property, a modernised single storey three bedroom house with two bathrooms, open plan living area, fitted kitchen, flatlet, large enclosed storage yard and kennels belonged to Ms Rugaya Solomons. The property at 44 Sixth Avenue, Retreat, Cape Town, had a market value of R500 000. Ms Solomons and her former husband Mr Edward John van der Merwe, who runs a taxi business, stayed together at the property but she moved out after their separation. She leased it to Mr Van der Merwe for R2 000 per month. It was his money that was seized by the police and he cross – appealed that seizure.

The house was due to be auctioned on 6 July 2011. Had it not been for the stringent AFU screening processes of potential buyers, the house would have ended up back in the hands of the drug lord. AFU found out that one of the henchmen tried to buy the property. The R32 000 that was used as a deposit for the property has been kept by the unit and the auction process has been restarted.

Despite the house being used as drug den for more than a decade and the owner



being arrested on more than one occasion during police raids, Ms Solomons denied that the property was an instrumentality of an offence. She and her former husband claimed that incidents of drug dealing or possessions of drugs were merely incidental and the manifestations of the private misconduct of employees.

But police raids tell a different story:

- 41 search and seizure operations were conducted by police at the property;
- Ms Solomons and Mr van der Merwe were arrested and charged for possession of dagga and dealing in drugs;
- 883 Mandrax tablets were seized;
- 574 Ecstasy tablets were seized;
- 261 units of LSD were seized;
- 396 units of tik were seized; and
- 118 units of crack cocaine were seized

Ms Solomons relied on the ‘innocent owner defence’ contained in the Prevention of Organised Crime Act (POCA). Three Western Cape High Court Judges – Judge Ashley Binns-Ward, Judge Daniel Dlodlo and Judge Nathan Erasmus – dismissed her claim. They agreed that: “Her (Ms Solomons) averment that she had no knowledge of the alleged unlawful activity at the property was manifestly untrue. She had

been present during police raids and had herself been arrested on two occasions.

“THE FACTS OF THE CASE, WHICH SHOWED THAT THE SECOND RESPONDENT (MS SOLOMONS), ON HER OWN ACCOUNT, REMAINED SUPINE IN HER DEALING WITH THE PROPERTY IN THE HANDS OF THE FIRST RESPONDENT (MR VAN DER MERWE) EVEN WHEN THE PROPERTY CONTINUED TO BE USED FOR DRUG DEALING PURPOSES AFTER THE INSTITUTION OF THE FORFEITURE APPLICATION, SUGGEST THAT THE PRESSING PUBLIC OBJECTS OF THE ACT (PREVENTION OF ORGANISED CRIME ACT 121 OF 1998) WOULD BE ENTIRELY SUBORDINATED TO THE PERSONAL CONSIDERATIONS OF AN UNDESERVING OWNER WERE A FORFEITURE ORDER BE DENIED. THE BROAD SOCIETAL OBJECTIVES THAT WOULD BE SERVED BY NEUTRALISING THE IMMOVABLE PROPERTY FROM USE FOR DRUG DEALING PURPOSES FAR OUTWEIGH THE CONSIDERATIONS ATTENDING THE PERSONAL CONSEQUENCES OF FORFEITURE FOR THE SECOND RESPONDENT.”

WESTERN CAPE HIGH COURT
JUDGES

The court ordered Ms Solomons to pay the AFU’s legal costs for the appeal and Mr Van der Merwe to pay the AFU’s costs for opposing his cross – appeal.

Eric Ntabazalila is the Regional Communications Manager for DPP: Western Cape.

NPA EVENTS

THE NPA ALSO CARES – 67 MINUTES OF SERVICE TO COMMUNITIES

On 18 July 2011, on Nelson Mandela's 93rd birthday, people from all over the world were urged to devote 67 minutes of their time to help improve the conditions of their communities – as part of the International Nelson Mandela Day activities. Each of the 67 minutes represent one year that Madiba gave his life to in the cause of freedom for all.

NPA staff across the country also heeded the call to show that the organization was also a caring institution, in addition to ensuring justice for all. In this edition of Khasho we report on three areas that reached out to their local communities on that day:

DPP SOUTH GAUTENG PUTTING A SMILE ON TINY TOTS

Lauren Daniels

As part of its tradition of reaching out to the poor and the destitute, staff from the DPP South Gauteng put a smile on the faces of tiny tots at Impilo Centre in Glenhazel, Johannesburg, on Nelson Mandela Day.

An e-mail request was sent to staff asking them to donate whatever they could to help the children at Impilo Centre. The response was overwhelming. The staff contributed cash, blankets and clothes. Many items were bought with the cash donations, such as vegetables, baby formulas, mielie meal, rice, samp, latex gloves and many items required by the

home. Even a car seat and a pram were donated!

The items were handed to the extremely grateful directors of the home by a team of 11 people from the DPP office. Time was spent cuddling the babies and playing with them. Long after the 67 minutes were over, the team was still reluctant to leave the children.

The contributions from the generous members of the office were so overwhelming that a substantial amount of cash was donated after the groceries were bought.

The DPP South Gauteng is proud to have people with such an amazing spirit of charity. The team intends to visit the centre again to see how they could further assist in bringing joy to the tiny ones.



The team from DPP South Gauteng

NPA STAFF IN THE VAAL UP FOR A CLEANER ENVIRONMENT

Johan Venter

On Nelson Mandela International Day, prosecutors from the Vanderbijlpark Magistrate's Court put their gowns aside to clean up the streets in the CBD of Vanderbijlpark.

They teamed up with Vesco Community Enterprises (VCE), a local radio station called IFM, representatives from local businesses as well as community members to donate their time.

According to Retha Venter, the Senior Prosecutor at the Vanderbijlpark Magistrate's Court, the day was a massive success. The volunteers collected 670 bags of trash in about 67 minutes. It was a highly publicised event with live

coverage by IFM. Quentin Venter, IFM's presenter dedicated his whole programme to Mandela Day to show the station's support for Madiba's birthday.

Volunteers from various walks of life formed teams and competed to see who could collect the most bags. The team from Auto Leisure won by a substantial margin. They managed to fill up a 4 ton truck to capacity with trash collected from a street corner just across their premises. No matter who won, all participants enjoyed the day. A somewhat dirty but happy crowd even had the time to sing 'Happy Birthday' to Madiba. The song was broadcast live on IFM.

In the end everybody had a fantastic time, and the NPA is proud to have being part of that noble initiative. The aim is to make it an annual event.



MDANTSANE PROSECUTORS REACHING OUT TO YOUNG ONES

Gugulethu Mampofu

About 15 prosecutors from the Mdantsane Magistrate’s Court, (East London) saw a need around them which they just couldn’t ignore, and decided to do something about it on Nelson Mandela Day.

The need was at Masiphumelele Pre-primary School, which is situated about 500m away from the Mdantsane Magistrate’s Court building.

Masiphumelele Pre-primary School was established in 1994 and has a roll of about 53 children, most of them between the ages of four and six years.

It is housed in a small shipping container and an old prefabricated Pozi. It is a very impoverished facility, with all children coming from poor families.

This touched the hearts of prosecutors who see the school almost on a daily basis, and decided to do something to cheer up the kids. The treat that the prosecutors organised for the young ones was a big Mandela birthday cake, a variety of toys and other niceties.

Prosecutors also used the opportunity to promote the NPA brand to the parents of the young ones and the crowd that

gathered around to offer its support.



Prosecutors with pupils of Masiphumelele Pre-primary School

PCLU TEAM BRINGS TEARS OF JOY TO THE SAM AND SHONGWE FAMILY

Basetsana Motlhamme

On 26 June 2011, on a very cold Sunday morning, the PCLU’s Missing Persons Task Team was up and about exhuming the remains of MK commander Xolile Sam, otherwise known as “MK Valdez”, at the Vosloorus cemetery.

According to the perpetrators’ confessions made to the Truth and Reconciliation Committee (TRC), Sam was shot by Vlakplaas member Leon Flores with an Uzi machine gun on 7 November 1988, and was seriously wounded in the leg.

He was then placed by Eugene de Kock inside a large police transport vehicle and handcuffed to the metal seats. He was then tortured and suffocated by De Kock and others in order to extract information from him. As a result of this, he died

inside the police truck from shock and blood loss. He was subsequently buried as an unidentified pauper in a separate pauper section of Vosloorus cemetery.

His wife Thandi Shongwe could not contain her tears of joy as she watched the remains of her beloved husband being exhumed. She thanked the PCLU team for their hard work in all the investigations which ultimately led to the remains of her partner being found. She said she was finally at peace with herself and very happy that she could finally close the chapter on “Valdez”.

Valdez’s father died in

1999 still in pain of not knowing where his son was. His wish before he died was for the remaining family members to find his son – even if it was only his remains. The family were excited that they were now in a position to fulfil the wish of Valdez’s father by burying him.



Exhumation of Xolile Sam in process

NPA MAKES A MARK AT THE NATIONAL ARTS FESTIVAL IN GRAHAMSTOWN

Tsepo Ndwalaza

The National Arts Festival, which is held annually in Grahamstown, took place from 30 June to 10 July 2011.

Despite the bitterly cold weather that the Eastern Cape experienced during that period, thousands of visitors flocked into the “City of Saints” for the festival. The NPA team from the DPP Grahamstown office was there to educate festival goers about the role of the NPA and answer their questions.

The NPA stall was officially opened by the Director of Public Prosecutions, Grahamstown, Adv Lungisile Mahlati, who encouraged the team to ensure that the public were well educated about the role of the NPA so that people could understand the reasons for the organisation’s existence as a prosecuting

authority and its contribution to the criminal justice system.

The NPA stall was managed by both the administration staff and prosecutors from the DPP Grahamstown office who worked on a morning and afternoon shift system. The stall was also graced by the presence of the Acting CEO, Adv Karen Van Rensburg, who was also accompanied by the leadership team of the DPP Grahamstown office. Adv Van Rensburg was very impressed by the professional manner in which the NPA staff interacted with visitors to the stall.

The NPA stall was among the busiest, with hundreds of people coming to enquire about court processes, maintenance issues, court interdicts, the role of prosecutors and the mandate of the NPA. In addition, visitors were also

educated about human trafficking and the role of Thuthuzela Care Centres.

This year’s festival had no fewer than 3500 presentations and 600 shows. It is estimated that approximately 170 000 people visited the festival. Well done to the team that kept the NPA candle burning bright during the festival.



Some of the NPA staff that manned the exhibition stand

Tsepo Ndwalaza is the Regional Communication Manager for DPP: Grahamstown

LESSONS IN LAW FOR MTHATHA YOUTH

Luxolo Tyali

As part of the NPA’s outreach programme for young people during Youth Month, the DPP Mthatha office organised an awareness session for the youth of Viedgesville, a small town 20km outside of Mthatha, on 24 June 2011.

The event was held at Viedgesville Thusong Centre, and attracted more than 300 school learners and adults. Like other NPA youth events that were held in June, the main aim was to empower the youth with information about the criminal justice system and how they could also contribute towards fighting crime.

Key presenters included Tembisa

Ntloko, the Mthatha District Prosecutor; Nandipha Mtiya, Co-ordinator of the Thuthuzela Care Centre based at Nelson Mandela Academic Hospital; and Sindisiwe Buthelezi, the Mthatha Court Preparation Manager.

Some of the subjects presented to the youth were: how to present evidence in court; what to do when one has been a victim of crime and how to blow the whistle after witnessing criminal activities being perpetrated against other people.

The NPA’s other partners in the JCPS cluster were also in attendance to offer their usual support: the South African

Police Service, Department of Justice and Constitutional Development, Department of Social Development and the Department of Home Affairs. The National Youth Development Agency and the King Sabata Dalindyebo Youth Council were also invited to inform the youth about the various business and career opportunities available to them.



Luxolo Tyali is the Regional Communication Manager for DPP: Mthatha

BRUTAL RAPIST GETS LIFE IMPRISONMENT

Phaladi Shuping

On 22 June 2011, a 28 year-old man from Greenpoint in Kimberley, Mr Israel De Wee, was sentenced to life imprisonment by the Northern Cape High Court for raping a 13 year-old girl. The rape took place on 2 July 2010.

Handing down the sentence, Judge Hendriques said De Wee showed no remorse and there were no compelling circumstances to divert from a longer sentence.

“In serious offences like these, there will be more focus on retribution than rehabilitation,” he said.

It was stated in court that De Wee lured the girl under a false pretence that she must fetch her sister’s daughter as she was fighting with her boyfriend. The complainant was accompanied by the accused to her sister’s place. On the way the accused forced the complainant to an open field where he stabbed her 19 times on her chest and upper body. He then raped her and left her for dead - naked and exposed in the open field.

He also stabbed her several times in her eyes and the optometrist testified that they had to take out sand and debris from her eyes for three hours before they could start operating on her. The stab wounds have robbed her of 70 percent of her sight and left her left eye completely blind.

The optometrist further stated that while

the stab wounds to her chest and stomach have healed, the prognosis for her ever regaining full use of her left eye is not promising.

The Grade 6 learner was forced to suspend her lessons because she was struggling to keep up at a mainstream school.

The accused was also sentenced to 8 years in jail for attempted murder. He received another 15 years imprisonment for the rape of a 28-year old woman from Greenpoint. It was stated that the accused raped the woman on 29 August 2008. He apparently raped the 13-year old girl while he was awaiting trial for the rape of the 28-year old woman.

COMMENTARY BY ADV TANIA BIRCH AND ADV NTSOAKI MABILETSA

It was difficult to consult with the minor victim at first as she was not very spontaneous and was still traumatised by what had happened to her. Several sessions of consultations were organised with her to make her used to us until she was relaxed and at ease.



Adv Tania Birch and Adv Ntsoaki Mabiletsa

We felt as prosecutors that we had to go beyond the call of duty and arranged with the Department of Health, Department of Social Development and South African Police Service for the minor to be evaluated and admitted at a special school that would assist her with her visual disability in order for her to have a better life.

We also requested the newspapers to print articles requesting readers to make contributions to her in the light of her situation.

Phaladi Shuping is the Regional Communication Manager for DPP: Northern Cape

ACKNOWLEDGEMENTS

EDITOR:

Nomilo Mpondo
NPA Communications

EDITORIAL MANAGEMENT:

Tebogo Seate
Bulelwa Makeke

PUBLISHED FOR THE NPA BY:

Buka Publications CC
www.bukapublications.com

Send your news and letters to
Khsho@npa.gov.za

OR

fax your stories and information to

012 843 2120

